

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today
(1) was not written for publication in a law journal and
(2) is not binding precedent of the Board.

Paper No. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCE

Ex parte CARLOS ATOCHE-JUAREZ, PETER DOMINKE,
WERNER WEBER and EDGAR BERNARDI

Appeal No. 94-2054
Application 07/827,680¹

ON BRIEF

Before KRASS, FLEMING and CARMICHAEL, ***Administrative Patent Judges.***

CARMICHAEL, ***Administrative Patent Judge.***

DECISION ON APPEAL

¹ Application for patent filed January 29, 1992.

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This is an appeal from the final rejection of Claims 2-7, which constitute all the claims remaining in the application.

Claim 4 reads as follows:

4. Wheel slippage control system comprising

wheel speed sensor means for producing a wheel speed signal during preset computing cycles, each computing cycle being divided into subcycles of uniform duration, said wheel speed signal having null times,

means assigning a time base value to each null time,

a first register in which the last three time base values including a third last, second last, and last time base value are stored,

means for determining a wheel speed value from the third last time base value and the last time base value at the beginning of each subcycle,

a second register in which the wheel speed value is stored,

means for producing brake pressure control signals during a computing cycle using the last wheel speed value stored in the previous computing cycle, and

means for controlling brake pressure using said brake pressure control signals.

The Examiner's Answer cites no prior art.

OPINION

Claims 2-7 stand rejected under 35 U.S.C. § 112, first paragraph, "as failing to provide an adequate written description and failing to teach how to make and/or use the invention." Examiner's Answer at 7. We understand this to be a rejection for lack of an enabling disclosure.

The examiner states that "[t]he specification is devoid of any description pertaining to the manner in which the valves are modulated to implement anti-lock control." Examiner's Answer at 7. However, because the claims do not specify the manner in which the valves are modulated to implement anti-lock control, no enablement of that is necessary.

The examiner further states that "it is unclear as to how the 'brake pressure control signals' are utilized in modulating the valves in any new manner." Examiner's Answer at 7-8. During prosecution Appellants submitted to the examiner a publication and patents to demonstrate that those skilled in the art are able to control brake pressure using

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brake pressure control signals. The examiner's Answer does not address that submission.

Appellants' submission appears to demonstrate that the claimed subject matter is supported by an enabling disclosure. The examiner provides no reason why that is not so. We will not sustain the rejection.

CONCLUSION

The rejection of Claims 2-7 is reversed.

REVERSED

	ERROL A. KRASS)	
	Administrative Patent Judge)	
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)	
	MICHAEL R. FLEMING)	BOARD OF
PATENT	Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
	JAMES T. CARMICHAEL)	
	Administrative Patent Judge)	

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Felfe & Lynch
805 Third Ave.
New York, NY 10022